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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,688	01/04/2002	Osman Kent	TD-198	8291
29106	7590	08/10/2007		
GROOVER & HOLMES BOX 802889 DALLAS, TX 75380-2889				
			EXAMINER DALENCOURT, YVES	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/037,688	KENT ET AL.	
	Examiner	Art Unit	
	Yves Dalencourt	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8, 13, 20-22 and 27 is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-12, 14-19, and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to Request for Continued Examination filed on 06/19/2007.

Response to Amendment

The Examiner has acknowledged the amended claims 6 – 9, 13, 20 – 22, and 27.

Response to Arguments

Applicant's arguments filed on 06/19/2007 have been fully considered but they are not persuasive.

Regarding Applicants' only argument (pages 14 - 18) that Lee fails to teach or suggest " image modifying data ". The Examiner contends that Lee does teach a visual image server that receives image modifying data. The image data sent by the client has to be in a modified format in order to allow the server to change or modify it accordingly (see col. 3, lines 9 – 17). Lee also discloses that when a Web browser makes a request to the Web server, the Web server may make assumption based on the client computer preference list. For example, assumptions may be made regarding the language, color space and formats to be used, how tables of information should be sent, or what type of encoding will be accepted (see col. 3, lines 51 - 58).

Although the Examiner reads the claims in light of the specification, the examiner does not or will not bring any limitations from the specification to the claims. The Examiner examines the claims in a broad sense. Applicant is always welcome to amend the claims by incorporating limitations argued from the specification in order to

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overcome the prior art rejection. The Examiner still believes that the Lee reference reads on the rejected claims.

In view of such, the rejection is maintained as follows:

Claim Objections

Claim 27 is objected to because of the following informalities: It is suggested to delete " dat " (line 11) and insert --- data has occurred. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 5, 9 – 12, 14 – 19, and 23 - 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (6,658,167; hereinafter Lee).

Regarding claim s 1, 5, 9, 12, 14, and 26, Lee teaches an image display system (fig. 1), comprising a visual server (120, fig. 1) having image processing capabilities wherein the visual server is configured to selectively receive image-modifying data corresponding to a generated image (fig. 2; col. 3, lines 9 – 17; Lee discloses

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transmitting information 210 related to the intended use of the data in a client application from the client computer to the server), generate a modified image based upon the image-modifying data, and transmit the modified image as compressed data (col. 3, lines 18 – 23; Lee discloses that the information related to the intended use of data is transmitted to the server and this transmitted information is used by the server application program to modify the data); and at least one client in selective communication with the visual server (fig. 1), the client including an image display (inherently in client 110a-110c), the client configured to further selectively generate image-modifying data and transmitting the image-modifying data to the visual server, and the client receives as compressed data from the visual server an image modified based upon the transmitted image-modifying data, decompresses the compressed image data, and displays the decompressed image on the client image display (col. 3, lines 41 – 49; col. 5, lines 27 - 67).

Regarding claim 2, Lee teaches the system of claim 1, wherein the visual server and the at least one client are in selective communication across a network (col. 2, lines 19 - 30).

Regarding claim 3, Lee teaches the system of claim 1, wherein the visual server and the at least one client are in selective communication across the Internet (fig. 1; col. 3, lines 41 - 49).

Regarding claim 4, Lee teaches the system of claim 1, wherein the visual server and the at least one client are in selective wireless communication (fig. 3; col. 7, lines 1 - 5).

Regarding claim 10, Lee teaches the server of claim 9, wherein the visual server is in selective communication across a network to one or more clients (col. 2, lines 19 - 30).

Regarding claim 11, Lee teaches the server of claim 9, wherein the visual server is selective wireless communication to one or more clients (col. 7, lines 1 - 5).

Regarding claim 15, Lee teaches the method of claim 14, further comprising the step of transmitting a link to the visual server from the client prior to the step of transmitting the image-modifying data from the client to the visual server (col. 3, lines 50 - 53).

Regarding claim 16, Lee teaches the method of claim 14, wherein the steps of transmitting the image-modifying data from the client to the visual server and transmitting the modified image from the visual server to the client as compressed data are performed across a network (col. 2, lines 19 - 30).

Regarding claim 17, Lee teaches the method of claim 14, wherein the steps of transmitting the image-modifying data from the client to the visual server and transmitting the modified image from the visual server to the client as compressed data are performed across the Internet (fig. 1; col. 3, lines 41 - 49).

Regarding claim 18, Lee teaches the method of claim 14, wherein the steps of transmitting the image-modifying data from the client to the visual server and transmitting the modified image from the visual server to the client as compressed data are performed through wireless communication (col. 7, lines 1 - 5).

Regarding claim 24, Lee teaches the method of claim 23, wherein the step of transmitting the modified image from the visual server to the client as compressed data is transmitting the modified image across a network (col. 2, lines 19 - 30).

Regarding claim 25, Lee teaches the method of claim 23, wherein the step of transmitting the modified image from the visual server to the client as compressed data is transmitting the modified image to the client via wireless communication (col. 7, lines 1 - 5).

Allowable Subject Matter

Claims 6 – 8, 13, 20 – 22, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: As specifically claimed, the art of record fail to teach that the visual server transmit the modified image to the client after predetermined duration of generating an image based upon the transmitted image-modifying data has occurred. Also, the art of record fail to teach that the client transmits the image-modifying data to the visual server as data sufficient to generate an image frame.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272 4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 5, 2007


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